

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
Tribal Council Chambers
7500 Odawa Circle
Harbor Springs, MI 49740
June 23, 2013

Closed Session: none

Call to Order: Meeting was called to order at: 9:03 a.m.

Opening Ceremony: Melvin L. Kiogima

Council Present: Legislative Leader Melvin L. Kiogima, Secretary Regina Gasco Bentley, Councilor Bill A. Denemy, Councilor John Keshick, Councilor Aaron Otto

Absent: Treasurer John Bott, Councilor Belinda Bardwell, Councilor Kevin Gasco, Councilor Winnay Wemigwase

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Legislative Office Manager Michele LaCount, Treasury Director Michael Garrow

Executive Officials and Staff Present: none

Public: Rose Smalley, Annette VanDeCar, Sarah VanDeCar, Tammy Okuly Shananaquet, Bill I. Denemy, Glenna Kimball, Alice Hughes, Kathnee Tobasageshik, Rochelle Ettawageshik, Mike Smith, Richard Wemigwase, Cathy Gibson, Carla Osawamick, James Covey, Netawn Kiogima, Virginia Lewis

Invited Guests: none

9:05 a.m. Councilor Kevin Gasco arrived.

9:11 a.m. Treasurer Bott arrived.

Motion made by Councilor Gasco and supported by Councilor Denemy to adopt the agenda for June 23, 2013 as amended.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to approve the minutes of June 9, 2013 and June 13, 2013 as present.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Elder Comments:

Rose Smalley spoke in support of the "Elder's" Department Statute" and how it will better serve the Elder's needs.

Sarah VanDeCar also spoke in reference to the "Elder's Department" Statute and how it will enable the Department to secure grants that cannot be taken away and given to other departments.

Sarah and Rose also stated that if the Elder's Program was a Department it would be able to provide around the clock care for the Elder's.

Bill I. Denemy spoke regarding the need to evidentiary support for our Elders' such as other tribes do.

Rose Smalley was also concerned regarding the sale of Elder calendars and the funds not going to the program.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Legislative Leader Kiogima's verbal report as presented for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to accept Secretary Gasco Bentley's verbal report for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Secretary Gasco Bentley to accept Treasurer Bott's verbal report for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

10:16 a.m. Recess called.

10:33 a.m. Meeting reconvened.

Elder Comments:

Bill I. Denemy spoke in support of Tribal Council sponsoring the Elder's dental needs and encouraged the Tribal Council to support the "Elder's" Department and not as a program.

Richard Wemigwase stated it has been a long time coming for the Elders to have a department and not a program so they can get more assistance.

Annette VanDeCar spoke on behalf Elder needs such as a transport car, nurse on call, full time social worker and many other issues of need that can be provided by a department not a program) other than that of the Human Services. Annette also spoke in support of Tammy Okuly as the best coordinator the program has ever had as she has utilized her own funds and time to support and help the Elder's as needed.

Mike Smith spoke on behalf of the Elder's and thanked the Tribal Council for bringing the Elder's Department forward. Mike stated he is angry about the flack his wife (Tammy Okuly) has been getting in trying to do her job to take care of the Elder's. Mike further said he is standing before the Tribal Council today to support the Department of Kikaajik (Elders Department) Statute.

Kathy Gibson spoke in agreement with all that was said and asked Tribal Council to use their hearts and minds when they make decisions.

Tammy Okuly spoke as a Tribal Citizen and not the Elder's Coordinator and thanked Tribal Council and previous Council for work done for the Youth and Elder's. Tammy also said she reviewed previous resolutions in place since 2001 that said the Tribe places high priority on the well-being of Elders and Youth. Tammy additionally stated; the Executive, Tribal Administrator and Director of Human Services named as responsible parties who have had years to develop support services under these resolutions for the Elders and have not. Tammy further spoke regarding her daughter being sent to stay at the Coach House Motel and the unfortunate circumstances which led to a negative outcome. Tammy stated "my bad" and "shame on me for not doing my due diligence on the environment that I myself have placed our elders at." "It is absolutely inappropriate to place our women, children and Elders in an environment with pedophiles, drug dealers and criminals getting out of prison and I'm not in support of that."

Renee Dillard said the Tribe is fortunate to have Elder's with their needs. Renee said Anishinaabemowin, Elders and Youth are the 3-main things that separate us from non-Anishinaabe and those things need to be their own departments as they are "wrap-around" services.

Mike Smith spoke in support of Renee Dillard and the Language Department as it was an issue in the past when it was a program. Mike also said there are 1,120 Elder's that Tammy and Joan are expected to take care of however when one person is supposed to stay in the building and the other to go out and make calls how is that possible? She's supposed to go and make courtesy calls and find out what their problems are, what their needs are. And then she's being called by people that don't want to handle the situation...the Health Department and Human Services who don't want to do their job. They sit there 8 – 5 and they go home at 5 o'clock and sometimes she gets calls 'You need to handle this.' It's disgusting! But she don't get paid for that, that's her after hours' time that she has

to spend going out taking care of something else that someone else should be taking care of. Emergencies don't stop at 5 o'clock on Friday. Mike also reminded we're supposed to be helping each other in this building, in this tribe.

Rose Smalley stated she hopes the Tribal Council make the Elder's a Department and if they don't, then they just don't care.

Carla Osawamick commented in support of the Elder's Department Statute as it sends a message that it will not get put in the shadows. Carla supported Renee's comment regarding the Elder's, Youth and Language.

Alice Hughes spoke in support of the Elder's Department.

Netawn Kiogima spoke in support of the Elders, Youth and Language, as necessary to our Tribe.

Annette VanDeCar asked Tribal Council to bring back the humanity.

Motion made by Secretary Gasco Bentley and supported by Treasurer Bott to pass Waganakising Odawak Statute Department of Kikaajik.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-no, Councilor Keshick-yes, Councilor Otto-no, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

Elder Comments: Richard Wemigwase spoke in support of the Elder's transportation needs after hours out at housing.

Motion made by Secretary Gasco Bentley and supported by Councilor Denemy to adopt Tribal Resolution: Michigan Indian Elders Association (MIEA) Delegate Appointments.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes

Motion carried.

11:44 a.m. Public Comment opened: no comments.

11:45 a.m. Public Comment closed.

Motion made by Treasurer Bott and supported by Secretary Gasco Bentley to accept the Gaming Authority Committee verbal report as presented by Councilor Gasco Committee Chairperson for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Land and Reservation Committee: no meeting, no report.

Legal and Legislative Committee: no meeting, no report.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the Ethics Committee verbal report as presented by Committee Chairperson Otto for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Agricultural Work Group: no meeting, no report.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept Treasury Director Garrow's verbal report in anticipation for a written report for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

12:04 p.m. Lunch recess called.

1:31 p.m. Meeting reconvened.

Elder comment: Virginia Lewis thanked Tribal Council for passing the Elder's Department Statute. Virginia mentioned she gathered petitions from Citizens to support this.

Motion made by Councilor Gasco and supported by Councilor Otto to accept Legislative Services Attorney Budnick's verbal and written report for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to accept the written Enjiinakneng report for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to accept the verbal and written report from Legislative Office Manager Michele LaCount for June 23, 2013.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Keshick and supported by Secretary Gasco Bentley to appoint Anthony Little to Associate Judge to fill the remainder of a 4-year term ending February 20, 2016.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-no, Councilor Gasco-no, Councilor Keshick-no, Councilor Otto-no, Councilor Wemigwase-absent, Treasurer Bott-no, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion fails.

Motion made by Councilor Keshick and supported by Councilor Denemy to appoint attorney Catherine M. Castagne to Appellate Justice for the remainder of a 6-year term ending April 17, 2017.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

2:32 p.m. Recess called.

2:43 p.m. Meeting reconvened.

Motion made by Councilor Keshick and supported by Treasurer Bott to override Executive Veto of the Contract Statute.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

3:14 p.m. Public comment opened: no comments.

3:14 p.m. Public comment closed.

Motion made by Secretary Gasco Bentley and supported by Councilor Gasco to pass Waganakising Odawak Statute Executive Oversight Report and Directives and Mandates for Requested Information.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-no
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to pass the Amendment to Waganakising Odawak Statute 2008-011 Fair Employment Statute.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Keshick to pass the Fair Treatment Statute.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to approve Shirley Naganashe Oldman Secondary Education Completion Aware Regulations REG-WOS 2011-016 051413-001.
Motion and Support withdrawn.

Motion made by Treasurer Bott and supported by Councilor Gasco to table Shirley Naganashe Oldman Secondary Education Completion Aware Regulations REG-WOS 2011-016 051413-001.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Keshick and supported by Councilor Otto to post to Legislative Calendar: Amendment to Waganakising Odawak Statute 2005-010 Legislative Procedures.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to adopt Tribal Resolution: Rescission and Repeal of Outdated Resolutions for the year of 2002.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to adopt Tribal Resolution: Rescission and Repeal of 2002 Grant Funding Resolutions.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-

absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to adopt Tribal Resolution: Rescission and Repeal of 2003 Grant Funding Resolutions.
Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to adopt Tribal Resolution: Rescission and Repeal of 2003 Outdated Resolutions.
Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to adopt Tribal Resolution: Rescission and Repeal of 2004 Grant Funding Resolutions.
Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to adopt Tribal Resolution: Rescission and Repeal of 2004 Outdated Resolutions.
Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader Kiogima-yes
Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to approve Certified Motion: Request for Funding from the U.S. Department of Transportation, Federal Highway Administration, Tribal Transportation Program Safety Funds Little Traverse Bay Bands of Odawa Indians Transportation Program Safety Plan Project.
Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor Wemigwase)
Motion carried.

Motion made by Councilor Otto and supported by Treasurer Bott to approve
Certified Motion: Request for Funding from the U.S. Department of
Transportation, Federal Transit Administration, Public Transportation on Indian
Reservations Program; Tribal Transit Program.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor
Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Otto to approve
Certified Motion: U.S. Department of Health and Human Services, Administration
for Children and Families, Funding for Tribes under Title IV-B of the Social
Security Act, Little Traverse Bay Bands of Odawa Indians FY 2014 Title IV-B
Child Welfare Services.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor
Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to approve
Certified Motion: Inter-Tribal Council of Michigan, Inc. application for funding:
U.S. Department of Health and Human Services Office of Community Services
Community Services Block Grant Emergency Assistance Program.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor
Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Denemy to
approve Certified Motion: Inter-Tribal Council of Michigan, Inc. application for
funding: U.S. Department of Health and Human Services Office of Community
Services Low Income Energy Assistance Program.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Bardwell, Councilor
Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to adopt
Tribal Resolution: Supplemental Funding in the Amount of \$40,000 for the
Upgrade to the Legislative Branch BIS Recording System.

Roll call vote: Councilor Bardwell-absent, Councilor Denemy-yes, Councilor
Gasco-yes, Councilor Keshick-yes, Councilor Otto-yes, Councilor Wemigwase-
absent, Treasurer Bott-yes, Secretary Gasco Bentley-yes, Legislative Leader
Kiogima-yes

Motion carried.

Motion made by Councilor Gasco and supported by Councilor Otto to table the
Amendment to Waganakising Odawa Statute 2010-21 Gaming Delegation and
Authority.

Vote: 6 - Yes, 0 - No, 1 - Abstained (Treasurer Bott), 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

4:44 p.m. Recess called.

4:58 p.m. Meeting reconvened.

Motion made by Councilor Gasco and supported by Treasurer Bott to table Waganakising Odawa draft Statute Economic Development.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Keshick to table Tribal Resolution: Supplemental Funding in the amount of \$26,000 for the implementation of updated wage grid.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Denemy to post the draft Comment Policy to the Legislative Calendar

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Gasco and supported by Treasurer Bott to appoint a Special Judge Tim Conners in accordance with LTBB Constitution, Article IX, Section J (2).

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Treasurer Bott and supported by Councilor Gasco to amend the agenda to include Appleyard Daycare supplemental funding.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Denemy and supported by Treasurer Bott to deny the supplemental funding request for Appleyard Day Care in the amount of \$108,000 and recommend the Executive bring back a business plan that includes the cost of remodeling and structural renovation that would also include the basic start up needs and such other funding for a sustainable and viable daycare operation.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Motion made by Councilor Otto and supported by Secretary Gasco Bentley to acknowledge that Tribal Council has not received the Constitutionally mandated Executive Oversight Report from the Tribal Chairman for the month of May 2013, and last report received was the March Report received on May 19, 2013, in order to fulfill of the duties of the Chair, Article VIII. C. 6. Shall submit monthly written reports of his/her oversight responsibilities of Tribal operations to the Tribal Council, and make such available to the Tribal Citizenship.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

5:55 p.m. Motion made by Treasurer Bott and supported by to adjourn.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 - Absent (Councilor Bardwell, Councilor Wemigwase)

Motion carried.

Please contact the Legislative Office at 231-242-1403, 231-242-1404 or 231-242-1406 for additional updates and clarifications of these minutes as presented.

These Minutes have been read and approved as corrected.

Regina Gasco Bentley

Regina Gasco Bentley, Tribal Council Secretary

7-9-13

Date

